

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 23, 2020**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

ANNA M.<sup>1</sup>,

Plaintiff,

vs.

ANDREW M. SAUL,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:19-CV-03253-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 17, 19**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 19, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Stephen Hood represents Plaintiff. Attorney Erin Highland

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate  
2 judge. ECF No. 10.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
6 Commissioner of Social Security for further administrative proceeding pursuant to  
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that the ALJ will:

- 9 (1) Reevaluate the medical evidence, including the opinions of Stanley D.  
10 Borish, M.D., and Dan V. Phan, M.D., and explain the weight given to  
11 each opinion;  
12 (2) Further evaluate Plaintiff's depression in accordance with the special  
13 technique described in 20 C.F.R. § 404.1520a, documenting application  
14 of the technique in the decision by providing specific findings and  
15 appropriate rationale for each of the functional areas described in 20  
16 C.F.R. § 404.1520a(c);  
17 (3) Evaluate Plaintiff's obesity and its effects on the ability to perform work  
18 activities pursuant to Social Security Ruling 02-1p;  
19 (4) Reassess Plaintiff's subjective allegations and the lay witness evidence in  
20 Exhibits 10E;  
(5) Reevaluate Plaintiff's residual functional capacity and provide a rationale  
with specific references to evidence of record in support of assessed  
limitations;  
(6) Proceed with the remaining steps of the sequential evaluation process,  
obtaining vocational expert testimony, as necessary; and  
(7) Issue a new decision.

ECF No. 19 at 2.

3. Judgment shall be entered for **PLAINTIFF**.

1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN**  
2 **AS MOOT.**

3 5. Upon proper presentation, this Court consider Plaintiff's application for  
4 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**  
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED April 23, 2020.

8 s/Mary K. Dimke  
9 MARY K. DIMKE  
UNITED STATES MAGISTRATE JUDGE